

An
Bord
Pleanála

Commission Order ABP-319338-24

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: VS/B/03

Appeal by Bray Property Development Limited of 68 Lower Baggot Street, Dublin in accordance with section 18 of the Urban Regeneration and Housing Act 2015, as amended, against a demand for payment of vacant site levy issued by Wicklow County Council on the 28th day of February 2024, in respect of the site described below.

Description: Castle Street, Bray, County Wicklow.

Decision

The Commission in accordance with section 18(4) of the Urban Regeneration and Housing Act 2015, as amended, and based on the reasons and considerations set out below, hereby determines that the above site was a vacant site within the meaning of the Act, but that the amount of the levy has been incorrectly calculated, and the amount of the levy shall be zero.

Reasons and Considerations

Having regard to:

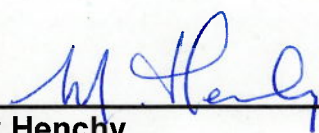
- (a) the information placed before the Commission by the planning authority in relation to the entry of the site on the Vacant Sites Register,
- (b) the grounds of appeal submitted by the appellant,
- (c) the report of the Inspector, and
- (d) the response of the planning authority to the Section 132 notice, requesting additional information confirming the date of the valuation of the property on which the vacant site levy was calculated, to be in the year 2019.,

The Commission in accordance with Section 18(3) of the Urban Regeneration and Housing Act 2015, as amended, hereby determines that the above site was a vacant site within the meaning of that Act in the year 2023 and on the date of the appeal.

However, the Commission in accordance with Section 16(1)(b) and Section 18(4) of the Urban Regeneration and Housing Act 2015, as amended, has determined that the amount of the levy has been incorrectly calculated based on a valuation that has not been determined at least once every three years as required by Section 12(1) of the Urban Regeneration and Housing Act 2015. The initial valuation, confirmed as dated 29th day of July 2019 by the planning authority and notified to the owner on 4th day of September 2019, has not been updated.

The Commission noted the Inspector referenced Section 12(1) of the Act, but in not accepting the Inspector's recommendation to confirm the levy, the Commission was not satisfied the levy had been correctly calculated on an updated valuation of the property.

The Commission considered that it is appropriate that a notice be issued to the planning authority who shall amend the demand for payment to Zero.



Mary Henchy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Commission.



Dated this *2nd* day of *July* 2025